



Oregon
Kate Brown, Governor

Department of Environmental Quality

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

Oct. 16, 2019

Joel Iboa, Chair
Oregon Environmental Justice Task Force

Dear Chair Iboa:

We are aware of the many letters sent to the Governor's office expressing concerns about EPA's proposed Explanation of Significant Differences for the Record of Decision for the Portland Harbor Superfund site. On behalf of the State of Oregon, the Oregon Department of Environmental Quality and Oregon Health Authority appreciate the opportunity to respond as the agencies responsible for this issue. The State appreciates the EJ Task Force's interest in the issues related to Portland Harbor and shares your concern that some of the most vulnerable communities located along the river were and continue to be disproportionately impacted by pollution. It is for this reason that the State supports moving forward with cleanup as quickly as practicable to protect those who are at greatest risk. We also support many of the issues raised in these letters, and remain committed to a protective cleanup that considers mixtures of PAHs and their related non-cancer effects.

As mentioned in the letters, the EPA has offered an Explanation of Significant Differences, which explains the rationale for the changes made to the Record of Decision. These changes are based on the findings of a multi-year EPA Integrated Risk Information System (IRIS) assessment that found benzo[a]pyrene, commonly referred to as BaP, to be less toxic than originally thought. The result of this assessment was a revised IRIS value for BaP, published Jan. 19, 2017, during the final days of President Obama's administration and replacing an outdated value from 1987.

EPA's IRIS program produces values that guide cleanup decisions across the country and is recognized as the authoritative source of toxicity information for federal, state, and local agencies and international health organizations. For the BaP update, the IRIS program convened multiple expert panels between January 2011 and release of the final assessment in January 2017. These panels were made up of scientists drawn from academia, government, and the private sector who reviewed the latest publically available studies on BaP in order to update the toxicity value. As a result, the IRIS update represents the best available science on which to make cleanup decisions and the State of Oregon has been using this revised BaP toxicity value at its cleanup sites and in evaluating health risks since 2018.

The remedy selected by EPA in the 2017 ROD estimated the total area of active cleanup (e.g., dredging and capping) at 365 acres. However, the final number of acres requiring active cleanup will be established in the detailed remedial design phase of work, still to be completed. The ESD proposes to reduce the area of active cleanup by 17 acres. This is because the 2017 IRIS update for BaP found that BaP is less toxic than previously thought, meaning that less active cleanup is required to achieve the same level of protection for human health. This change represents about five percent less total acreage than the original estimate and is within the ROD's expected range of uncertainty. By incorporating the new IRIS value, the ESD applies the latest science to propose a cleanup that is more cost-effective yet equally protective of human health.

A key aspect of the IRIS update is that non-cancer effects of BaP are now better understood and can be quantified for the first time. The Oregon Health Authority submitted comments on the ESD during the December 2018 public comment period requesting that EPA speak to the non-cancer effects. Although cancer risk will likely remain the overall driver of risk for setting cleanup levels at the Portland Harbor site, the State agrees that non-cancer effects must be calculated and explained in the ESD.

The State also agrees it is important to evaluate not just BaP, but all cancer-causing chemicals in calculating risk to human health. EPA has a longstanding policy of evaluating PAHs as a group by calculating and then adding up the toxicity of each cancer causing PAH. Research has shown that this approach is a good indicator of the overall toxicity of PAH mixtures. EPA then adds cancer risk from PAHs to cancer risk from other chemicals, such as pesticides, PCBs, and dioxins to arrive at an overall cumulative cancer risk from chemicals of highest concern in the Portland Harbor cleanup. Our agencies believe EPA has correctly applied these methodologies.

Eating fish contaminated with PCBs remains the primary risk to humans at the Portland Harbor site. The State remains committed to working with environmental justice communities to help reduce those risks through additional outreach and education, and is currently negotiating with Multnomah County Environmental Health to continue to fund this important work into the future.

I hope the information provided in this letter is helpful to the EJTF. Although State concurrence is not required for an ESD, DEQ is currently evaluating all the information and will be considering EPA's responses to public comments in preparing a letter of concurrence that will be included as an attachment to the ESD. If you desire more detailed or technical responses to your concerns, I encourage you to contact either the Department of Environmental Quality or the Oregon Health Authority for additional information.

Sincerely,



Stephanie Caldera, EJ Coordinator
Oregon Department of Environmental Quality



Julie Sifuentes, Assessment Program Manager &
EJTF Liaison
Oregon Health Authority